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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES R. MCDANIEL,

Defendant.

No. CR 18-839-SJO

~~[PROPOSED]~~ ORDER CONTINUING TRIAL
DATE AND FINDINGS REGARDING
EXCLUDABLE TIME PERIODS PURSUANT
TO SPEEDY TRIAL ACT

**[PROPOSED] TRIAL DATE: August 6,
2019**

The Court has read and considered the Stipulation Regarding Request for (1) Continuance of Trial Date and (2) Findings of Excludable Time Periods Pursuant to Speedy Trial Act, filed by the parties in this matter on February 5, 2019. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that support a continuance of the trial date in this matter, and provides good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and

1 defendant in a speedy trial; (ii) failure to grant the continuance
2 would be likely to make a continuation of the proceeding impossible,
3 or result in a miscarriage of justice; and (iii) failure to grant the
4 continuance would unreasonably deny defendant continuity of counsel
5 and would deny defense counsel the reasonable time necessary for
6 effective preparation, taking into account the exercise of due
7 diligence.

8 THEREFORE, FOR GOOD CAUSE SHOWN:

9 1. The trial in this matter is continued from February 12,
10 2019 to August 6, 2019 @ 9:00 a.m.

11 2. The time period of February 12, 2019 to August 6, 2019,
12 inclusive, is excluded in computing the time within which the trial
13 must commence, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i),
14 and (B)(iv). Under the Speedy Trial Act, the last day for trial to
15 commence would be August 20, 2019.

16 3. Nothing in this Order shall preclude a finding that other
17 provisions of the Speedy Trial Act dictate that additional time
18 periods are excluded from the period within which trial must
19 commence. Moreover, the same provisions and/or other provisions of

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1 the Speedy Trial Act may in the future authorize the exclusion of
2 additional time periods from the period within which trial must
3 commence.

4 IT IS SO ORDERED.

5 2/6/19

6
7 DATE

S. James Otero

HONORABLE S. JAMES OTERO
UNITED STATES DISTRICT JUDGE

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10 **CC: PRETRIAL SERVICE**
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